

1 TITLE VIII—WELFARE-TO-WORK AND CHILD
2 SUPPORT AMENDMENTS OF 1999
3 **SEC. 801. FLEXIBILITY IN ELIGIBILITY FOR PARTICIPATION**
4 **IN WELFARE-TO-WORK PROGRAM.**

5 (a) IN GENERAL.—Section 403(a)(5)(C)(ii) of the
6 Social Security Act (42 U.S.C. 603(a)(5)(C)(ii)) is amend-
7 ed to read as follows:

8 “(ii) GENERAL ELIGIBILITY.—An en-
9 tity that operates a project with funds pro-
10 vided under this paragraph may expend
11 funds provided to the project for the ben-
12 efit of recipients of assistance under the
13 program funded under this part of the
14 State in which the entity is located who—

15 “(I) has received assistance
16 under the State program funded
17 under this part (whether in effect be-
18 fore or after the amendments made by
19 section 103 of the Personal Responsi-
20 bility and Work Opportunity Rec-
21 onciliation Act of 1996 first apply to
22 the State) for at least 30 months
23 (whether or not consecutive); or

24 “(II) within 12 months, will be-
25 come ineligible for assistance under

1 the State program funded under this
2 part by reason of a durational limit on
3 such assistance, without regard to any
4 exemption provided pursuant to sec-
5 tion 408(a)(7)(C) that may apply to
6 the individual.”.

7 (b) NONCUSTODIAL PARENTS.—

8 (1) IN GENERAL.—Section 403(a)(5)(C) of such
9 Act (42 U.S.C. 603(a)(5)(C)) is amended—

10 (A) by redesignating clauses (iii) through
11 (viii) as clauses (iv) through (ix), respectively;
12 and

13 (B) by inserting after clause (ii) the fol-
14 lowing:

15 “(iii) NONCUSTODIAL PARENTS.—An
16 entity that operates a project with funds
17 provided under this paragraph may use the
18 funds to provide services in a form de-
19 scribed in clause (i) to noncustodial par-
20 ents with respect to whom the require-
21 ments of the following subclauses are met:

22 “(I) The noncustodial parent is
23 unemployed, underemployed, or hav-
24 ing difficulty in paying child support
25 obligations.

1 “(II) At least 1 of the following
2 applies to a minor child of the non-
3 custodial parent (with preference in
4 the determination of the noncustodial
5 parents to be provided services under
6 this paragraph to be provided by the
7 entity to those noncustodial parents
8 with minor children who meet, or who
9 have custodial parents who meet, the
10 requirements of item (aa)):

11 “(aa) The minor child or the
12 custodial parent of the minor
13 child meets the requirements of
14 subclause (I) or (II) of clause
15 (ii).

16 “(bb) The minor child is eli-
17 gible for, or is receiving, benefits
18 under the program funded under
19 this part.

20 “(cc) The minor child re-
21 ceived benefits under the pro-
22 gram funded under this part in
23 the 12-month period preceding
24 the date of the determination but
25 no longer receives such benefits.

1 “(dd) The minor child is eli-
2 gible for, or is receiving, assist-
3 ance under the Food Stamp Act
4 of 1977, benefits under the sup-
5 plemental security income pro-
6 gram under title XVI of this Act,
7 medical assistance under title
8 XIX of this Act, or child health
9 assistance under title XXI of this
10 Act.

11 “(III) In the case of a noncusto-
12 dial parent who becomes enrolled in
13 the project on or after the date of the
14 enactment of this clause, the non-
15 custodial parent is in compliance with
16 the terms of an oral or written per-
17 sonal responsibility contract entered
18 into among the noncustodial parent,
19 the entity, and (unless the entity dem-
20 onstrates to the Secretary that the en-
21 tity is not capable of coordinating
22 with such agency) the agency respon-
23 sible for administering the State plan
24 under part D, which was developed
25 taking into account the employment

1 and child support status of the non-
2 custodial parent, which was entered
3 into not later than 30 (or, at the op-
4 tion of the entity, not later than 90)
5 days after the noncustodial parent
6 was enrolled in the project, and which,
7 at a minimum, includes the following:

8 “(aa) A commitment by the
9 noncustodial parent to cooperate,
10 at the earliest opportunity, in the
11 establishment of the paternity of
12 the minor child, through vol-
13 untary acknowledgement or other
14 procedures, and in the establish-
15 ment of a child support order.

16 “(bb) A commitment by the
17 noncustodial parent to cooperate
18 in the payment of child support
19 for the minor child, which may
20 include a modification of an ex-
21 isting support order to take into
22 account the ability of the non-
23 custodial parent to pay such sup-
24 port and the participation of such
25 parent in the project.

1 “(cc) A commitment by the
2 noncustodial parent to participate
3 in employment or related activi-
4 ties that will enable the noncusto-
5 dial parent to make regular child
6 support payments, and if the
7 noncustodial parent has not at-
8 tained 20 years of age, such re-
9 lated activities may include com-
10 pletion of high school, a general
11 equivalency degree, or other edu-
12 cation directly related to employ-
13 ment.

14 “(dd) A description of the
15 services to be provided under this
16 paragraph, and a commitment by
17 the noncustodial parent to par-
18 ticipate in such services, that are
19 designed to assist the noncusto-
20 dial parent obtain and retain em-
21 ployment, increase earnings, and
22 enhance the financial and emo-
23 tional contributions to the well-
24 being of the minor child.

1 In order to protect custodial parents
2 and children who may be at risk of
3 domestic violence, the preceding provi-
4 sions of this subclause shall not be
5 construed to affect any other provi-
6 sion of law requiring a custodial par-
7 ent to cooperate in establishing the
8 paternity of a child or establishing or
9 enforcing a support order with respect
10 to a child, or entitling a custodial par-
11 ent to refuse, for good cause, to pro-
12 vide such cooperation as a condition
13 of assistance or benefit under any
14 program, shall not be construed to re-
15 quire such cooperation by the custo-
16 dial parent as a condition of participa-
17 tion of either parent in the program
18 authorized under this paragraph, and
19 shall not be construed to require a
20 custodial parent to cooperate with or
21 participate in any activity under this
22 clause. The entity operating a project
23 under this clause with funds provided
24 under this paragraph shall consult
25 with domestic violence prevention and

1 intervention organizations in the de-
2 velopment of the project.”.

3 (2) CONFORMING AMENDMENT.—Section
4 412(a)(3)(C)(ii) of such Act (42 U.S.C.
5 612(a)(3)(C)(ii)) is amended by striking “(vii)” and
6 inserting “(viii)”.

7 (c) RECIPIENTS WITH CHARACTERISTICS OF LONG-
8 TERM DEPENDENCY; CHILDREN AGING OUT OF FOSTER
9 CARE.—

10 (1) IN GENERAL.—Section 403(a)(5)(C)(iv) of
11 such Act (42 U.S.C. 603(a)(5)(C)(iv)), as so redes-
12 ignated by subsection (b)(1)(A) of this section, is
13 amended—

14 (A) by striking “or” at the end of sub-
15 clause (I); and

16 (B) by striking subclause (II) and insert-
17 ing the following:

18 “(II) to children—

19 “(aa) who have attained 18
20 years of age but not 25 years of
21 age; and

22 “(bb) who, before attaining
23 18 years of age, were recipients
24 of foster care maintenance pay-
25 ments (as defined in section

1 475(4)) under part E or were in
 2 foster care under the responsi-
 3 bility of a State;

4 “(III) to recipients of assistance
 5 under the State program funded
 6 under this part, determined to have
 7 significant barriers to self-sufficiency,
 8 pursuant to criteria established by the
 9 local private industry council; or

10 “(IV) to custodial parents with
 11 incomes below 100 percent of the pov-
 12 erty line (as defined in section 673(2)
 13 of the Omnibus Budget Reconciliation
 14 Act of 1981, including any revision re-
 15 quired by such section, applicable to a
 16 family of the size involved).”.

17 (2) CONFORMING AMENDMENTS.—Section
 18 403(a)(5)(C)(iv) of such Act (42 U.S.C.
 19 603(a)(5)(C)(iv)), as so redesignated by subsection
 20 (b)(1)(A) of this section, is amended—

21 (A) in the heading by inserting “HARD TO
 22 EMPLOY” before “INDIVIDUALS”; and

23 (B) in the last sentence by striking “clause
 24 (ii)” and inserting “clauses (ii) and (iii) and, as
 25 appropriate, clause (v)”.

1 (d) CONFORMING AMENDMENT.—Section
 2 404(k)(1)(C)(iii) of such Act (42 U.S.C. 604(k)(1)(C)(iii))
 3 is amended by striking “item (aa) or (bb) of section
 4 403(a)(5)(C)(ii)(II)” and inserting “section
 5 403(a)(5)(C)(iii)”.

6 (e) EFFECTIVE DATE.—The amendments made by
 7 this section—

8 (1) shall be effective January 1, 2000, with re-
 9 spect to the determination of eligible individuals for
 10 purposes of section 403(a)(5)(B) of the Social Secu-
 11 rity Act (relating to competitive grants);

12 (2) shall be effective July 1, 2000, except that
 13 expenditures from allotments to the States shall not
 14 be made before October 1, 2000—

15 (A) with respect to the determination of el-
 16 igible individuals for purposes of section
 17 403(a)(5)(A) of the Social Security Act (relat-
 18 ing to formula grants) in the case of those indi-
 19 viduals who may be determined to be so eligible,
 20 but would not have been eligible before July 1,
 21 2000; or

22 (B) for allowable activities described in
 23 section 403(a)(5)(C)(i)(VII) of the Social Secu-
 24 rity Act (as added by section 802 of this title)
 25 provided to any individuals determined to be eli-

1 gible for purposes of section 403(a)(5)(A) of
 2 the Social Security Act (relating to formula
 3 grants).

4 (f) REGULATIONS.—Interim final regulations shall be
 5 prescribed to implement the amendments made by this
 6 section not later than January 1, 2000. Final regulations
 7 shall be prescribed within 90 days after the date of the
 8 enactment of this Act to implement the amendments made
 9 by this Act to section 403(a)(5) of the Social Security Act,
 10 in the same manner as described in section
 11 403(a)(5)(C)(ix) of the Social Security Act (as so redesign-
 12 nated by subsection (b)(1)(A) of this section).

13 **SEC. 802. LIMITED VOCATIONAL EDUCATIONAL AND JOB**
 14 **TRAINING INCLUDED AS ALLOWABLE ACTIVI-**
 15 **TIES UNDER THE TANF PROGRAM.**

16 Section 403(a)(5)(C)(i) of the Social Security Act (42
 17 U.S.C. 603(a)(5)(C)(i)) is amended by inserting after sub-
 18 clause (VI) the following:

19 “(VII) Not more than 6 months
 20 of vocational educational or job train-
 21 ing.”.

22 **SEC. 803. CERTAIN GRANTEEES AUTHORIZED TO PROVIDE**
 23 **EMPLOYMENT SERVICES DIRECTLY.**

24 Section 403(a)(5)(C)(i)(IV) of the Social Security
 25 Act (42 U.S.C. 603(a)(5)(C)(i)(IV)) is amended by insert-

1 ing “, or if the entity is not a private industry council
 2 or workforce investment board, the direct provision of such
 3 services” before the period.

4 **SEC. 804. SIMPLIFICATION AND COORDINATION OF RE-**
 5 **PORTING REQUIREMENTS.**

6 (a) **ELIMINATION OF CURRENT REQUIREMENTS.—**
 7 Section 411(a)(1)(A) of the Social Security Act (42 U.S.C.
 8 611(a)(1)(A)) is amended—

9 (1) in the matter preceding clause (i), by insert-
 10 ing “(except for information relating to activities
 11 carried out under section 403(a)(5))” after “part”;
 12 and

13 (2) by striking clause (xviii).

14 (b) **ESTABLISHMENT OF REPORTING REQUIRE-**
 15 **MENT.—**Section 403(a)(5)(C) of the Social Security Act
 16 (42 U.S.C. 603(a)(5)(C)), as amended by section
 17 801(b)(1) of this title, is amended by adding at the end
 18 the following:

19 “(x) **REPORTING REQUIREMENTS.—**

20 The Secretary of Labor, in consultation
 21 with the Secretary of Health and Human
 22 Services, States, and organizations that
 23 represent State or local governments, shall
 24 establish requirements for the collection
 25 and maintenance of financial and partici-

1 pant information and the reporting of such
 2 information by entities carrying out activi-
 3 ties under this paragraph.”.

4 **SEC. 805. USE OF STATE INFORMATION TO AID ADMINIS-**
 5 **TRATION OF WELFARE-TO-WORK GRANT**
 6 **FUNDS.**

7 (a) AUTHORITY OF STATE AGENCIES TO DISCLOSE
 8 TO PRIVATE INDUSTRY COUNCILS THE NAMES,
 9 ADDRESSES, AND TELEPHONE NUMBERS OF POTENTIAL
 10 WELFARE-TO-WORK PROGRAM PARTICIPANTS.—

11 (1) STATE IV-D AGENCIES.—Section 454A(f) of
 12 the Social Security Act (42 U.S.C. 654a(f)) is
 13 amended by adding at the end the following:

14 “(5) PRIVATE INDUSTRY COUNCILS RECEIVING
 15 WELFARE-TO-WORK GRANTS.—Disclosing to a pri-
 16 vate industry council (as defined in section
 17 403(a)(5)(D)(ii)) to which funds are provided under
 18 section 403(a)(5) the names, addresses, telephone
 19 numbers, and identifying case number information
 20 in the State program funded under part A, of non-
 21 custodial parents residing in the service delivery area
 22 of the private industry council, for the purpose of
 23 identifying and contacting noncustodial parents re-
 24 garding participation in the program under section
 25 403(a)(5).”.

1 (2) STATE TANF AGENCIES.—Section 403(a)(5)
2 of such Act (42 U.S.C. 603(a)(5)) is amended by
3 adding at the end the following:

4 “(K) INFORMATION DISCLOSURE.—If a
5 State to which a grant is made under section
6 403 establishes safeguards against the use or
7 disclosure of information about applicants or re-
8 cipients of assistance under the State program
9 funded under this part, the safeguards shall not
10 prevent the State agency administering the pro-
11 gram from furnishing to a private industry
12 council the names, addresses, telephone num-
13 bers, and identifying case number information
14 in the State program funded under this part, of
15 noncustodial parents residing in the service de-
16 livery area of the private industry council, for
17 the purpose of identifying and contacting non-
18 custodial parents regarding participation in the
19 program under this paragraph.”.

20 (b) SAFEGUARDING OF INFORMATION DISCLOSED TO
21 PRIVATE INDUSTRY COUNCILS.—Section
22 403(a)(5)(A)(ii)(I) of such Act (42 U.S.C.
23 603(a)(5)(A)(ii)(I)) is amended—

24 (1) by striking “and” at the end of item (dd);

“(ff) describes how the State will ensure that a private industry council to which information is disclosed pursuant to section 403(a)(5)(K) or 454A(f)(5) has procedures for safeguarding the information and for ensuring that the information is used solely for the purpose described in that section.”.

(a) IN GENERAL.—Section 403(a)(5)(E) of the Social Security Act (42 U.S.C. 603(a)(5)(E)) is amended in each of clauses (iv) and (vi) by striking “\$100,000,000” and inserting “\$50,000,000”.

(1) Section 403(a)(5)(F) of such Act (42 U.S.C. 603(a)(5)(F)) is amended by inserting “\$1,500,000” before “of the amount so specified”.

1 (2) Section 403(a)(5)(G) of such Act (42
2 U.S.C. 603(a)(5)(G)) is amended by inserting
3 “\$900,000” before “of the amount so specified”.

4 (3) Section 403(a)(5)(H) of such Act (42
5 U.S.C. 603(a)(5)(H)) is amended by inserting
6 “\$300,000” before “of the amount so specified”.

7 (4) Section 403(a)(5)(I)(i) of such Act (42
8 U.S.C. 603(a)(5)(I)(i)) is amended by striking
9 “\$1,500,000,000” and all that follows and inserting
10 “for grants under this paragraph—

11 “(I) \$1,500,000,000 for fiscal
12 year 1998; and

13 “(II) \$1,450,000,000 for fiscal
14 year 1999.”.

15 (c) NO OUTLAY UNTIL FY2001.—Section
16 403(a)(5)(E)(i) of such Act (42 U.S.C. 603(a)(5)(E)(i))
17 is amended—

18 (1) by striking “make” and insert “award”;
19 and

20 (2) by inserting “, but shall not make any out-
21 lay to pay any such grant before October 1, 2000”
22 before the period.

1 **SEC. 807. ALTERNATIVE PENALTY PROCEDURE RELATING**
2 **TO STATE DISBURSEMENT UNITS.**

3 (a) IN GENERAL.—Section 455(a) of the Social Secu-
4 rity Act (42 U.S.C. 655(a)) is amended by adding at the
5 end the following:

6 “(5)(A)(i) If—

7 “(I) the Secretary determines that a State plan
8 under section 454 would (in the absence of this
9 paragraph) be disapproved for the failure of the
10 State to comply with subparagraphs (A) and (B)(i)
11 of section 454(27), and that the State has made and
12 is continuing to make a good faith effort to so com-
13 ply; and

14 “(II) the State has submitted to the Secretary,
15 not later than April 1, 2000, a corrective compliance
16 plan that describes how, by when, and at what cost
17 the State will achieve such compliance, which has
18 been approved by the Secretary,

19 then the Secretary shall not disapprove the State plan
20 under section 454, and the Secretary shall reduce the
21 amount otherwise payable to the State under paragraph
22 (1)(A) of this subsection for the fiscal year by the penalty
23 amount.

24 “(ii) All failures of a State during a fiscal year to
25 comply with any of the requirements of section 454B shall
26 be considered a single failure of the State to comply with

1 subparagraphs (A) and (B)(i) of section 454(27) during
2 the fiscal year for purposes of this paragraph.

3 “(B) In this paragraph:

4 “(i) The term ‘penalty amount’ means, with re-
5 spect to a failure of a State to comply with subpara-
6 graphs (A) and (B)(i) of section 454(27)—

7 “(I) 4 percent of the penalty base, in the
8 case of the 1st fiscal year in which such a fail-
9 ure by the State occurs (regardless of whether
10 a penalty is imposed in that fiscal year under
11 this paragraph with respect to the failure), ex-
12 cept as provided in subparagraph (C)(ii) of this
13 paragraph;

14 “(II) 8 percent of the penalty base, in the
15 case of the 2nd such fiscal year;

16 “(III) 16 percent of the penalty base, in
17 the case of the 3rd such fiscal year;

18 “(IV) 25 percent of the penalty base, in
19 the case of the 4th such fiscal year; or

20 “(V) 30 percent of the penalty base, in the
21 case of the 5th or any subsequent such fiscal
22 year.

23 “(ii) The term ‘penalty base’ means, with re-
24 spect to a failure of a State to comply with subpara-
25 graphs (A) and (B)(i) of section 454(27) during a

1 fiscal year, the amount otherwise payable to the
 2 State under paragraph (1)(A) of this subsection for
 3 the preceding fiscal year.

4 “(C)(i) The Secretary shall waive all penalties im-
 5 posed against a State under this paragraph for any failure
 6 of the State to comply with subparagraphs (A) and (B)(i)
 7 of section 454(27) if the Secretary determines that, before
 8 April 1, 2000, the State has achieved such compliance.

9 “(ii) If a State with respect to which a reduction is
 10 required to be made under this paragraph with respect
 11 to a failure to comply with subparagraphs (A) and (B)(i)
 12 of section 454(27) achieves such compliance on or after
 13 April 1, 2000, and on or before September 30, 2000, then
 14 the penalty amount applicable to the State shall be 1 per-
 15 cent of the penalty base with respect to the failure in-
 16 volved.

17 “(D) The Secretary may not impose a penalty under
 18 this paragraph against a State for a fiscal year for which
 19 the amount otherwise payable to the State under para-
 20 graph (1)(A) of this subsection is reduced under para-
 21 graph (4) of this subsection for failure to comply with sec-
 22 tion 454(24)(A).”.

23 (b) INAPPLICABILITY OF PENALTY UNDER TANF
 24 PROGRAM.—Section 409(a)(8)(A)(i)(III) of such Act (42
 25 U.S.C. 609(a)(8)(A)(i)(III)) is amended by striking “sec-

1 tion 454(24)” and inserting “paragraph (24), or subpara-
2 graph (A) or (B)(i) of paragraph (27), of section 454”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on October 1, 1999.

5 This Act may be cited as the “Departments of Labor,
6 Health, and Human Services, and Education, and Related
7 Agencies Appropriations Act, 2000”.

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